

SINGAPORE



Population	3.375 million citizens
Number of people under deputyship	1,354 deputyship orders made from March 2010 – March 2016.
Relevant legislation	Mental Capacity Act (Cap. 177A)
Key terminology	<p>Lasting Power of Attorney (“LPA”): A legal document that allows a donor to voluntarily appoint one or more donees to make decisions and act on his behalf should he lose the capacity to make his own decisions.</p> <p>Donor: Person, at least 21 years of age, who makes an LPA, appointing donee(s) to take care of his personal welfare and/or property & affairs matters in the event he loses mental capacity one day.</p> <p>Donee: Donees are appointed by donors to make decisions and act on their behalf on personal welfare and/or property & affairs matters in the event the donor lacks mental capacity to manage his own affairs.</p> <p>Deputy: A deputy is appointed by the court to make certain decisions on behalf of a person who lacks mental capacity (“P”) when the person has not made an LPA and has no donee to decide on his behalf in respect of those decisions. A deputy can be an individual, or a licensed trust company for property & affairs matters under the Trust Companies Act (Cap. 336) as prescribed by the Mental Capacity Regulations.</p>
What types of deputyship exist? (personal welfare/financial affairs)	If an individual loses capacity and does not have an LPA already made, then their family or anyone of at least 21 years old may make an application to the Family Justice Courts to have a deputy appointed to take care of P’s affairs.
What eligibility criteria need to be met?	The court requires a doctor’s medical report be provided to confirm that P lacks the capacity to make their own decisions. The court then appoints a deputy to make decisions in specific areas of P’s life.
What is the potential duration of an order?	A court order appointing a deputy will last the entire lifetime of P, unless otherwise specified in the order.
Can a person under deputyship seek review of a guardian’s appointment and/or a deputy’s decisions?	Any person may oppose a deputy’s appointment or seek review of his powers. Applications have to be made with the Family Justice Courts. Grounds for consideration include deputy acting outside the scope of powers granted in the court order, deputy’s decisions were not made in P’s best interests or have risked/led to P’s wellbeing or safety being compromised or threatened).
Who can be appointed as deputies? (e.g. family members, private deputy private body, public body)	<p>Deputies appointed may be individuals or a licensed trust company for property & affairs matters under the Trust Companies Act (Cap. 336) as prescribed by the Mental Capacity Regulations.</p> <p>The Act was amended in 2016 to allow for the appointment of professional deputies who can charge for their services.</p>
What are the responsibilities of a deputy? (e.g. what principles or guidelines must	As a general rule, deputies have to act within the scope of powers given to them as specified in the court order appointing them as a deputy. Deputies should also comply with the principles of and regulations stipulated in the Act. Fundamentally, deputies are to act in the best interests of P. The practical aspects of this Act are specified in a Code of

they comply with)	Practice which is applicable to all who deal with a person without mental capacity, specifying guidelines, case studies and best practices.
How are deputies monitored and/or supported?	<p>Deputies are required by the court to submit annual reports to the Public Guardian, providing records and supporting documents of key decisions made on behalf of P (including key expenses incurred for P's care needs etc.), unless otherwise specified in the court order.</p> <p>The Act also provides whistle-blower protection for anyone reporting ill treatment, wilful neglect or abuse of P to the Police or Public Guardian. The Act gives the Public Guardian powers to carry out such investigations.</p>
Does an existing Power of Attorney (personal welfare/financial) remove the need for deputyship when capacity is lost?	Yes, the LPA will allow the appointed proxy decision maker(s) to step forward to decide and act for P according to the powers they have been given in the LPA.
What costs are associated with deputyship and who pays?	Generally, legal fees and disbursements are incurred and the costs range depending on the complexity of the case. These costs are likely to be borne by P's estate.